STATE OF NEW YORK

3509

2021-2022 Regular Sessions

IN SENATE

January 29, 2021

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to immigration bonds and disclosures for providers of immigrant assistant services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 460-d-1 to read as follows:

§ 460-d-1. Restrictions on bonds. 1. (a) No bond agent or person who underwrites or insures the provision of an immigration or other bail bond who requires the use of an ankle monitor or other homing device as a condition for the provision of such a bond may charge any fee for such monitor or device that exceeds the cost of maintaining and operating such monitor or device charged to the bond agent or person who underwrites or insures the provision of the bond.

(b) Any fee associated with such monitor or device charged pursuant to paragraph (a) of this subdivision shall be included in calculating the legally permissible non-refundable payment for a given bond.

(c) No bond agent or person who underwrites or insures the provision of an immigration or other bail bond who requires the use of an ankle monitor or other homing device as a condition for the provision of such a bond may prohibit such monitor or device from being removed, or charge any fee for such removal or subsequent replacement, in case of a medical necessity or reasonable fear of a medical necessity. Any statement to the contrary, whether made in writing or orally, renders the contract voidable by the individual for whom the bond is provided.

2. No bond agent or person who underwrites or insures the provision of an immigration or other bail bond shall charge a premium or receive compensation in excess of the limits established pursuant to section six thousand eight hundred four of the insurance law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 2. Subdivision 3 of section 460-b of the general business law is amended by adding a new paragraph (m) to read as follows:

(m) For any written contract for the provision of an immigration bond, the statement: "You have the right to a court hearing to lower your bond amount, though the hearing could result in continued detention."

§ 3. Section 460-d of the general business law is amended by adding a new subdivision 16 to read as follows:

16. Provide a referral or contact information for a lawyer or legal services provider that is owned at least partly by the provider or an entity affiliated with the provider without:

(a) disclosing in writing the source of payment to the lawyer or legal services provider for the services rendered; and

(b) including the written statement: "Using this lawyer or legal services provider is not a requirement of bond. If you choose to hire this lawyer or legal services provider, you have the right to fire them at any time and seek your own counsel. Free legal services may be available by contacting the New York state New Americans hotline at 1-800-566-7636."

§ 4. This act shall take effect on the sixtieth day after it shall have become a law.